IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 3054 of 1989
Date of Decision: 7.2.2007

Sital Kaur ...Petitioner

Versus

The Doaba Cooperative Milk Producer Union Limited. ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: None for the parties.

HEMANT GUPTA, J.

The challenge in the present revision petition is to the order passed by the learned trial Court on 7.9.1989, whereby an application filed by the petitioner for amendment of the plaint so as to claim decree for declaration challenging the order of termination, was dismissed.

It is the case of the petitioner in the suit for permanent injunction that she has worked for 476 days and therefore, in terms of the judgment of the Division Bench in **Piara Singh v. State of Haryana and others 1988 SLR (4) 739**, the services of the petitioner cannot be terminated. The petitioner has also sought a decree for mandatory injunction directing the defendants to allow her to continue in service. But the services of the petitioner were terminated on 31.5.1989, therefore, the petitioner sought to amend the plaint so as to seek a decree for declaration as well.

The learned trial Court found that the amendment sought, in fact provides a new cause of action and therefore, the proposed

amendment will not help in determining the real question involved in the suit.

It may be noticed that the entire claim of the petitioner is based upon the fact that she has worked for 476 days and therefore, she is entitled to regularisation of service. After the judgment of the Division Bench of this Court referred to above, there is substantial change in law. In **Secretary State of Karnataka and others v. Uma Devi JT 2006 (4) SC 420,** it has been held by the Hon'ble Supreme Court that a daily wager is not entitled to regularisation of service. Be that as it may, the fact remains that the plaintiff is out of service since 1989 and that there is no representation on behalf of the petitioner to prosecute the present revision petition.

In view of the said facts, I do not find any illegality or irregularity in the impugned order passed by the learned trial Court, which may warrant interference by this Court in exercise of its revisional jurisdiction.

Hence, the present revision petition is dismissed.

07-02-2007 **(HEMANT GUPTA)**
ds **JUDGE**